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10/807,628	03/23/2004	Paily T. Varghese	200315533-1	4029

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EXAMINER

HARRIS, ANTON B

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,628

Applicant(s)

VARGHESE ET AL.

Examiner

Anton B. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) 27-30 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see page 10, filed 18 January 2006, with respect to claim 23 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claim 23 has been withdrawn.

Examiner agrees that there was sufficient antecedent basis found in claim 19 for the limitation of "the portion" found in claim 23.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazura et al. (5,441,337).

Regarding claim 1, Mazura et al. (col. 4, lines 14-67) discloses an electronic device comprising:

one or more electrical components (col. 4, lines 14-18); a housing 1 for containing the electrical components (col. 4, lines 14-18), the housing 1 comprising a bottom component (col. 4, lines 14-18) configured to have at least some of the electrical components (col. 4, lines 14-18) positioned thereon, the bottom component (col. 4, lines 14-18) joined to bottom portions of a pair of sidewalls 2, the bottom portions contained in a plane extending therebetween; and, at least

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some portions of the bottom component (col. 4, lines 14-18) being more proximate the plane when the electrical components (col. 4, lines 14-18) are positioned thereon than in the absence of the electrical components (col. 4, lines 14-18).

Regarding claim 2, Mazura et al. (col. 4, lines 14-67) discloses that the portions of the bottom component (col. 4, lines 14-18) comprise a majority of the bottom component (col. 4, lines 14-18).

Regarding claim 3, Mazura et al. (col. 4, lines 14-67) discloses that the portions of the bottom component (col. 4, lines 14-18) comprise at least a first portion which lies parallel to the plane in both the presence and absence of the electrical components (col. 4, lines 14-18).

Regarding claim 4, Mazura et al. (col. 4, lines 14-67) discloses that a top component (col. 4, lines 14-18) is configured to be attached to the sidewalls 2 and thereby causing at least the first portion of the bottom component (col. 4, lines 14-18) to be displaced toward the top component (col. 4, lines 14-18).

Regarding claim 5, Mazura et al. (col. 4, lines 14-67) discloses an electronic device housing comprising: a pair of sidewall 2 components (col. 4, lines 14-18) extending between respective top sidewall 2 portions and bottom sidewall 7 portions, the bottom sidewall portions 7 lying in a plane that extends between the bottom sidewall portions 7; and, a bottom component (col. 4, lines 14-18) joined with and extending between the bottom sidewall portions 7, wherein the bottom component (col. 4, lines 14-18) has a non-loaded disposition relative to the plane and a loaded disposition relative to the plane, and wherein at least a portion of the bottom component (col. 4, lines 14-18) is closer to the plane in the loaded disposition than in the non-loaded disposition.

Regarding claim 6, Mazura et al. (col. 4, lines 14-67) discloses that the non-loaded disposition and in the loaded disposition, at least a majority of the bottom component (col. 4, lines 14-18) lies on the same side of the plane.

Regarding claim 7, Mazura et al. (col. 4, lines 14-67) discloses that the loaded disposition at least a majority of the bottom component (col. 4, lines 14-18) is on the same side of the plane as the top portions.

Regarding claim 8, Mazura et al. (col. 4, lines 14-67) discloses that the bottom component (col. 4, lines 14-18) and the pair of sidewall components (col. 4, lines 14-18) are formed from a single piece of material.

Regarding claim 9, Mazura et al. (col. 4, lines 14-67) discloses that the single piece of material comprises a base pan 7.

Regarding claim 10, Mazura et al. (col. 4, lines 14-67) discloses that the portion of the bottom component (col. 4, lines 14-18) is generally oriented along the length.

Regarding claim 11, Mazura et al. (col. 4, lines 14-67) discloses that the portion of the bottom component (col. 4, lines 14-18) extends along an entirety of the length.

Regarding claim 12, Mazura et al. (col. 4, lines 14-67) discloses that the portion of the bottom component (col. 4, lines 14-18) is generally oriented along the width.

Regarding claim 13, Mazura et al. (col. 4, lines 14-67) discloses an electronic device comprising: a base pan 7 having a first unassembled configuration and a second assembled configuration; and, a top 4 configured to be assembled with the base pan 7 such that at least a portion of the base pan 7, in the assembled configuration, is more upwardly disposed toward the top than in the unassembled configuration.

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Regarding claim 14, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 comprises a bottom component (col. 4, lines 14-18) and two sidewall components (col. 4, lines 14-18).

Regarding claim 15, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 comprises a bottom component (col. 4, lines 14-18), two sidewall components (col. 4, lines 14-18) and a back wall component (col. 4, lines 14-18).

Regarding claim 16, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 comprises a bottom component (col. 4, lines 14-18) and two sidewall components (col. 4, lines 14-18), and wherein in the unassembled configuration individual sidewall 2 components (col. 4, lines 14-18) intersect the bottom component (col. 4, lines 14-18) at an acute angle, and wherein in the assembled configuration individual sidewall 2 components (col. 4, lines 14-18) intersect the bottom component (col. 4, lines 14-18) at a right angle.

Regarding claim 17, Mazura et al. (col. 4, lines 14-67) discloses that the assembled configuration the bottom component (col. 4, lines 14-18) has a generally concave shape that is oriented away from the top.

Regarding claim 18, Mazura et al. (col. 4, lines 14-67) discloses that the concave shape of the bottom component (col. 4, lines 14-18) lies on the same side of the plane as the top.

Regarding claim 19, Mazura et al. (col. 4, lines 14-67) discloses an electronic device comprising: a base pan 7 configured to have at least one electrical component (col. 4, lines 14-18) positioned thereon; and, a top component (col. 4, lines 14-18) configured to be assembled with the base pan 7, wherein at least a portion of the base pan 7 being configured such that

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assembly of the base pan 7 and the top component (col. 4, lines 14-18) causes the portion to be disposed toward the top component (col. 4, lines 14-18).

Regarding claim 20, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 comprises a bottom component (col. 4, lines 14-18) and a pair of sidewall 2 components (col. 4, lines 14-18) which define a width of the bottom component (col. 4, lines 14-18).

Regarding claim 21, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 has a length extending orthogonally to the width and wherein the portion extends an entirety of the length.

Regarding claim 22, Mazura et al. (col. 4, lines 14-67) discloses that the base pan 7 has a length extending orthogonally to the width and wherein the portion extends less than an entirety of the length.

Regarding claim 23, Mazura et al. (col. 4, lines 14-67) discloses that the portion extends generally along the width.

Regarding claim 24, Mazura et al. (col. 4, lines 14-67) discloses an electronic device comprising: a base pan 7 having an unassembled flexure disposition and an assembled flexure disposition which is different from the unassembled flexure disposition; and, a top component (col. 4, lines 14-18) configured to be assembled with the base pan 7 to provide the base pan 7 into its assembled flexure disposition, wherein the assembled flexure disposition is more flexed than the unassembled flexure disposition.

Regarding claim 25, Mazura et al. (col. 4, lines 14-67) discloses that the assembled flexure disposition is concave away from the top component (col. 4, lines 14-18).

Regarding claim 26, Mazura et al. (col. 4, lines 14-67) discloses a server housing comprising: a bottom component (col. 4, lines 14-18) configured to have electrical components (col. 4, lines 14-18) positioned thereon; and, a first sidewall 2 component (col. 4, lines 14-18) joined with the bottom component (col. 4, lines 14-18) at a first intersection and at least a second sidewall 2 component (col. 4, lines 14-18) joined with the bottom component (col. 4, lines 14-18) at a second intersection, wherein the first and second intersections lie in a plane, and wherein a portion of the bottom component (col. 4, lines 14-18) is displaced away from the plane and being configured such that positioning electric components (col. 4, lines 14-18) on the bottom component (col. 4, lines 14-18) will cause the portion to deflect toward the plane.

Response to Arguments

4. Applicant's arguments filed 18 January 2006 have been fully considered but they are not persuasive.

In response to Applicant's arguments that at least some portions of the bottom component are more proximate the plane when electrical components are positioned thereon than in the absence of the electrical components is not disclosed in the prior art reference, Examiner disagrees. It is known that the gravitational forces exerted upon the electrical components resting on the bottom component would cause the bottom component to flex under the weight of the electrical components.

In response to Applicant's arguments that the limitations of "a top configured to be assembled with the base pan..." has been considered, but does not result in a structural difference. The claim limitations must either: (A) include the phrase "means for" or "step for";

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or (B) show that even though the phrase “means for” or “step for” is not used, the claim limitation is written as a function to be performed and does not recite sufficient structure, material, or acts which would preclude application of 35 U.S.C. 112, sixth paragraph. See *Watts v. XL Systems, Inc.*, 232 F.3d 877, 56 USPQ2d 1836 (Fed. Cir. 2000).

In response to Applicant’s arguments that Mazura does not disclose a server housing comprising a bottom component configured to have electrical components positioned thereon; and, a first sidewall component joined with the bottom component at a first intersection and at least a second sidewall component joined with the bottom component at a second intersection, wherein the first and second intersections lie in a plane, and wherein a portion of the bottom component is displaced away from the plane and being configured such that positioning electric components on the bottom component will cause the portion to deflect toward the plane, Examiner disagrees. The rejection of claim 26, as written above, details each and every positive structural limitation. The limitations of “being configured such that positioning electric components on the bottom component will cause the portion to deflect toward the plane” has been considered, but does not result in a structural difference. The claim limitations must either: (A) include the phrase “means for” or “step for”; or (B) show that even though the phrase “means for” or “step for” is not used, the claim limitation is written as a function to be performed and does not recite sufficient structure, material, or acts which would preclude application of 35 U.S.C. 112, sixth paragraph. See *Watts v. XL Systems, Inc.*, 232 F.3d 877, 56 USPQ2d 1836 (Fed. Cir. 2000). Therefore, Examiner maintains the rejection.

Conclusion

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (571) 272-1976. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

abh

4/17/06


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4/17/06